

REMARKS

The present amendment is submitted in response to the Office Action mailed November 25, 2005. Independent claim 1 has been amended to incorporate the limitations of original dependent claim 2 and further specify that each side of the needle end portions includes one "sole" pair of planar surface portions. Independent claim 11 has been amended to specify that the pair of planar surface portions are arranged in oblique relation and generally intersect along a median plane bisecting a respective side.

The specification and drawings have been amended to identify the elongated body 12, and to further identify the arrangement of the intersecting surface portions 44 and the manner in which they may intersect, e.g., along the median plane to define the substantially concave appearance of the respective side. Support for this amendment may be found in the original disclosure, e.g., see the first full paragraph of page 8 of the original specification, and original FIG. 9.

Claims 1, 8, 9, 10 and 11 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,797,961 to Smith et al. in view of U.S. Patent No. 4,799,484 to Smith. Smith '961 discloses, in the embodiment of Figure 11, a suture needle including two sides 570 consisting of intersecting straight sides 580, 590 which define substantially straight lines. The straight sides are angulated to form an indentation or intersection 595. The intersection 595 is adjacent the edges 581. Smith '484 discloses a surgical needle having a tapered needle end and an I-beam shaft.

It is respectfully submitted that the present invention as claimed is patentably distinguishable over the combination of Smith '961 and Smith '484. For example, the combination fails to disclose the recited "each side including one sole pair of planar surface portions arranged in oblique relation to define a general concave appearance to each side" as required by independent claim 1. As noted above, only two of the sides 570 of Smith '961 are provided with straight sides 580, 590. Accordingly, Smith '961 cannot realize the benefits of the three side concave or hollow ground appearance. The concave effect provides significant advantages in passage of the needle through tissue, e.g., a reduced tissue drag compared to conventional flat sided triangular needle head.

In view of the foregoing distinctions, amongst other distinctions, withdrawal of this rejection is respectfully requested.

Claims 1, 3, 4, 7 and 10 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,030, 228 to Wong in view of Smith '484. Wong '228 discloses a five sided needle including first - fifth sides 112, 114, 116, 122, 124. Smith '484 is addressed hereinabove. It is respectfully submitted that the present invention is patentably distinguishable over the combination of Wong '228 and Smith '484. For example, the combination fails to disclose the recited "each side including one sole pair of planar surface portions arranged in oblique relation to define a general concave appearance to each side" – the benefits of such arrangement discussed hereinabove. Accordingly, in view of the foregoing distinction, amongst other distinctions, withdrawal of this rejection is respectfully requested.

Claims 1, 3, 4, 7 and 10 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,403,344 to Allen in view of the Smith '484. Allen '344 discloses a multifaceted surgical needle of complex configuration. As best depicted in FIG. 7 of Allen '344, the needle includes three extended legs 24 which are interconnected by connecting surfaces 26. Each side of the needle of Allen '344 includes five interconnecting surfaces. It is respectfully submitted that the present invention is patentably distinguishable over the combination of Allen '344 and Smith '484. For example, the combination fails to disclose the recited "each side including one sole pair of planar surface portions arranged in oblique relation to define a general concave appearance to each side"-the benefits of which are discussed hereinabove. In contrast, the needle end of Allen '344 includes a complex arrangement where respective sides include five interconnecting surfaces. Moreover, the extended legs '344 as defined by the multiple surfaces are very narrow, thereby increasing the potential for needle breakage.

Accordingly, in view of the foregoing, withdrawal of this rejection is respectfully requested.

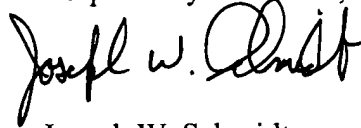
Claims 1, 8 and 12-15 stand rejected over U.S. Patent No. 5,730,732 to Sardelis et al. in view of Allen '344. Sardelis '732 discloses a needle 50 with a distal piercing point 70. The piercing point 70 is three-sided with each side being flat. It is respectfully submitted that the present invention is patentable over the combination of Sardelis '732 and Allen '344. For example, the combination fails to disclose the recited "each side including one sole pair of planar surface portion arranged in oblique relation to define a general concave appearance to each side" or recited in independent claim 1. With regard to the rejection of independent claim 12, the

combination fails to disclose the recited "each side including a pair of planar surface portions arranged in oblique relation and intersecting along a median plane bisecting a respective side to define a general concave appearance". With Allen '344, the multi faceted needle includes extended legs which define multiple surfaces none of which intersect along a median plane to define a general concave configuration. Accordingly, withdrawal of this rejection is respectfully requested.

It is respectfully submitted that none of the references of record disclose or suggest the present invention as claimed in the claims as amended, considered individually or in combination, with themselves, considered in whole or in part. Accordingly, withdrawal of the rejections is respectfully requested.

In view of the foregoing amendments and remarks, reconsideration of the rejections and objections and allowance of the claims are earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph W. Schmidt", written in a cursive style.

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Amendments to the Drawings

The attached new replacement sheets 1 and 2 of the drawings includes changes to FIGS. 1 and FIG. 9. The replacement sheets 1 and 2, including FIGS. 1-5 and FIGS. 6 – 10B, respectively, replace the original sheets. In FIG. 1, the elongated body 12 is identified. In FIG. 9, the bisecting median plane “m” is identified.

Attachment: Replacement Sheets 1 and 2

Annotated Sheets Showing Changes

